

## **REMARKS**

Claims 1, 2, 4-14, 16-21, 31 and 37 were rejected under 35 U.S.C § 103(a) as being obvious in view of *Larsen et al.* (U.S. Pat. No. 6,539,539), hereinafter *Larsen*, and further in view of *Mason* (U.S. Pat. Pub. No.2003/0093717), hereinafter *Mason*. Claims 22, 24-30 and 33 were rejected under 35 U.S.C § 103(a) as being obvious in view of *Larsen*, and further in view of *Forbes et al.* (U.S. Pat Pub. No. 2002/0144218), hereinafter *Forbes*. Claims 3 and 34-36 were rejected under 35 U.S.C § 103(a) as being obvious in view of *Larsen*, in view of *Mason*, and further in view of *Forbes*.<sup>1</sup>

By this amendment claims 1, 22, 31, 33 and 34 have been amended.<sup>2</sup> No claims have been added or cancelled. Accordingly, claims 1-14, 16-22, 24-31 and 33-37 are pending, of which claims 1, 22, 31, 33 and 34 are the only independent claims at issue.

The present invention is generally directed to using attribution to manage an application or service. For example, claim 1 defines a system that includes an application or service for installation on the system and an attribution component that facilitates attributing selected parts of code of the application or service with management information, the attribution component allowing a system user to specify rules in the management information that identify one or more criteria that are to be met for the system to be considered healthy, the management information is identified within the attributed application or service using a uniform resource identifier, where the system uses the management information to manage the installed application or service.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claims unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims.

### **35 U.S.C. 102 and 103 Rejections**

*Larsen* describes a system that uses active probes to ensure software package compatibility (Title). *Larsen* uses small functions (probes) built into applications to determine if a service requested of an application is available (Abs.). The probes perform a functionality check to verify that a requested capability can or cannot be performed by the probe's associated

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Support for the amendments to the claims is found throughout the specification and previously presented claims, including but not limited to paragraphs [0006], [0007], [0042], [0175], [0199], [0218], [0219] and Figures 1-7.

application (Col. 4:45-52). As illustrated in Figure 3, each probe is associated with a particular functionality/application provided by a shared library. For example, Probe A is associated with Capability A, Probe B with Capability B and so on (see Fig. 3 and Col. 4:49-60). When a calling application is initialized and starts to run, it executes the probes for each capability that it needs (Col. 4:58-59). In this manner, a probe failure can indicate to the calling application that the requested capability is not provided by the shared library (Col. 5:1-4). *Mason* is cited primarily to show a uniform resource identifier (URI) that identifies a software resource (par. [0020]). *Forbes* is cited primarily to show use of a manifest to manage installation, execution and uninstallation of software packages on a computer (pars. [0013] and [0019]).

However, while *Larsen* describes using probes to determine whether a shared library possesses a certain capability and while the other cited art shows using URIs to identify software resources using a manifest to manage software installation, none of the cited art mentions using attribution to allow a system user to specify rules in the attributed management information. The cited art is silent on rules altogether. Moreover, none of the cited art mentions allowing a user to specify rules that identify various criteria that are to be met for the system to be considered healthy. *Larsen* merely verifies that certain functionality is provided or not provided by a shared library – *Larsen's* system does not provide criteria in user-specified rules for evaluating the health of a system.

Accordingly, at least for any of the reasons above, none of the cited art, alone or in combination, teaches or suggests "an attribution component that facilitates attributing selected parts of code of the application or service with management information, the attribution component allowing a system user to specify rules in the management information that identify one or more criteria that are to be met for the system to be considered healthy, the management information is identified within the attributed application or service using a uniform resource identifier," as recited in combination with the other limitations of claim 1.

Claim 31 is also distinguished from the cited art for at least any of the above reasons, and further because none of the cited art teaches or suggests health information that includes an indication of the health of a local computer system as well as any relationships between the local computer system and one or more remote computer systems. Moreover, none of the cited art teaches or suggests an attributing means that allows the system user to specify when the rules are to be executed by the system. Still further, none of the cited art teaches or suggests "means for

generating a manifest of the exposed health information, wherein the manifest generating means further allows the system user to create a customized version of the manifest to override any manufacturer-provided manifests," as recited in combination with the other limitations of claim 31.

Accordingly, at least for the reasons outlined above, claims 1 and 31 patentably define over the art of record. At least for any of these reasons, claims 22, 33 and 34 also patentably define over the art of record. Since each of the dependent claims depend from one of claims 1, 22, 31, 33 and 34, each of the dependent claims also patentably define over the art of record for at least any of the same reasons.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 6<sup>th</sup> day of August, 2009.

Respectfully submitted,

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